

HOUSE FILE 2107  
BY KELLEY

**A BILL FOR**

1 An Act providing for the severance and annexation of real  
2 property upon petition of the real property owners and  
3 approval of the city development board.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   **368.25A Boundary adjustment between**  
2 **cities by petition and consent.**

3     1. A real property owner within the boundaries of a city  
4 may file a petition for severance with the city council if the  
5 petitioner's real property, if severed, would be eligible for  
6 annexation by a different city and if such annexation would  
7 not create an island. Contiguous property owners may file a  
8 combined petition under this section.

9     2. The petition shall be filed with the city council of the  
10 city from which severance is sought and the city council of  
11 the city to which annexation is requested. The petition shall  
12 be in substantially the form required of an application under  
13 section 368.7.

14    3. If the city councils of both cities approve the petition,  
15 the petition shall be filed with the board. Approval by either  
16 city council may be conditioned upon an agreement entered into  
17 by the cities providing for the transition of property taxes  
18 or the sharing of property tax revenues from the real property  
19 described in the petition for a period not to exceed forty  
20 years and providing for all necessary zoning ordinance changes  
21 within a period not to exceed ten years. An agreement between  
22 cities under this subsection shall be filed with the board at  
23 the same time the approved petition is filed. An agreement  
24 may include additional transition provisions relating to the  
25 transfer or sharing of property tax revenues for property  
26 outside the boundaries of the territory described in the  
27 petition and any other provisions deemed by the cities to be in  
28 the public interest if such actions are within the authority  
29 of the cities.

30    4. Following receipt of a petition, the board shall initiate  
31 proceedings to sever the territory from the city in which it  
32 is located and annex the territory to the annexing city. The  
33 board shall notify both cities of the severance and annexation  
34 proceedings and shall hold a public hearing on the severance,  
35 annexation, and any agreement between the cities pursuant to

1 subsection 3. The board shall give notice of the hearing  
2 in the same manner as notice of a public meeting in section  
3 368.11, subsection 5.

4 5. The board may only approve the petition if the board  
5 also approves any agreements between the cities pursuant to  
6 subsection 2, and filed with the board. The board may only  
7 approve or deny the severance and annexation of the territory  
8 described in the petition, and the order of the board approving  
9 the petition is not subject to approval at an election.

10 EXPLANATION

11 This bill allows a real property owner within the boundaries  
12 of a city to file a petition for severance with the city  
13 council if the petitioner's real property would be eligible  
14 for annexation by a different city if severed and if such  
15 annexation would not create an island. The bill allows  
16 contiguous property owners to file a combined petition under  
17 this section.

18 The bill requires the petition to be filed with both the city  
19 from which severance is sought and the city to which annexation  
20 is requested. If both cities approve the petition, the  
21 petition is filed with the city development board. Approval  
22 by either city council may be conditioned upon an agreement  
23 between the cities providing for, among other specified  
24 provisions, the transition or sharing of property tax revenues  
25 from the real property described in the petition for a period  
26 not to exceed forty years.

27 Upon receiving a petition approved by both city councils,  
28 the city development board must initiate proceedings to  
29 sever and annex the owner's real property as requested in the  
30 petition. The city development board is required to provide  
31 notice to both cities of the proceedings and to hold a public  
32 hearing.

33 The bill only allows the city development board to approve  
34 the severance and annexation requested in the petition if  
35 the board also approves the agreement between the cities, if

1 applicable. The bill also provides that the city development  
2 board may only approve or deny the severance and annexation of  
3 the territory described in the petition and that the order is  
4 not subject to approval at an election.